IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.13916 of 1998

Between:

Sri Sai Venkataramana Constructions, Lakshmipuram, 2/457, Nellore, Represented by its Managing Partner, A.SreeRamulu S/o Chennaiah

R/o Lakshmipuram Nellore town.

..... PETITIONER

AND

1 The Govt.of AP., Rep. By its Secretary, Irrigation I & CAD (PW &CWD) Department, Secretariat Building, Hyderabad.
2 The Commissionerate of Tenders Rep. By its Commissioner ,Govt.of

AP., 6th Floor, Burugula Ramakrishna Rao Bhavan, Tankbund,

Hyderabad.
3 The Chief Engineer, Sriram Sangar Project
M.J.Road , Hyderabad.
4 The Superintending Engineer, Godavarivalley Circle-I Sriram Sagar

Project, Darur Camp.
Pochampadu, Nizamabad District.
5 B. Butcha Reddy & Co. Represented By its Managing partner,
B.Butcha Reddy , Service through The Superintending Engineer

Godavarivalley Circle-I, Sriram Sangar Project
Darur Camp, Pochampadu, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to

issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents 2 to 4 in seeking to award the contract work "Earth work excavation of Approach channel from Km(-) 0.060 to Km (-) 0.250 and Km(-) 0.275 to Km (-) 0.850 to Head Regulator of F.F.C" of Sri Rama Sagar Project, in Tender Notice No.8/97-98 dated 8/01/98 issued by the 1st Respondent herein to the 5th Respondent though he quoted higher rate than the petitioner under the guise of the rebate offered by him as illegal, arbitrary, unjust and discriminatory and violative of the terms and conditions of the tender schedule of the above said work, as well as G.O.Ms.No.182 dt. 27/09/97 and offends Art. 14 of the Constitution of India and subsequently direct the Respondents 2 to 4 to finalise the tenders strictly adhering to the terms and conditions of the tender schedule more particularly clause Nos.10, 21.1 and 21.2 of the same.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondent Nos.1 to 4 : GP FOR IRRIGATION & COMM AREA DEV.

Counsel for the Respondent No.5: -----

The Court made the following :

ORDER:

This writ petition is filed seeking to declare the action of the Respondents 2 to 4 in seeking to award the contract work of "Earth work excavation of Approach channel from Km(-) 0.060 to Km (-) 0.250 and Km(-) 0.275 to Km (-) 0.850 to Head Regulator of F.F.C" of Sri Rama Sagar Project in Tender Notice No.8/97-98 dated 8/01/98 issued by the 1st Respondent herein, to the 5th Respondent though he quoted higher rate than the petitioner under the guise of the rebate offered by him as illegal, arbitrary and violative of the terms and conditions of the tender schedule of the above said work, as well as G.O.Ms.No.182, dated 27/09/97 and consequently to direct the Respondents 2 to 4 to finalise the tenders strictly adhering to the terms and conditions of the tender schedule more particularly clause Nos.10, 21.1 and 21.2 of the same.

This Court, while admitting the writ petition on 15.05.1998, passed the following interim order.

> "I am not inclined to pass any orders at this stage. However, it is open for the petitioner to make a representation to appropriate authorities and the same may be considered and disposed of in accordance with the rules."

When the matter is taken up today, it is represented by the learned

Government Pleader appearing for the respondents that the petitioner has not come forward with any representation so far as directed by this Court, and that the subject work was already executed by the 5th respondent and therefore the cause in this writ petition does not survive and the writ petition has become infructuous.

Recording the said submission, the writ petition is dismissed as having become infructuous. No costs.

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N.V. RAMANA, J.

Date: 22.02.2005

Nsr/Tvk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Irrigation I & CAD (PW &CWD)
Department, Govt.of AP., Secretariat Building, Hyderabad.
2 The Commissioner, Commissionerate of Tenders Govt.of

AP., 6th Floor, Burugula Ramakrishna Rao Bhavan, Tankbund,

Hyderabad.
3 The Chief Engineer, Sriram Sangar Project
M.J.Road , Hyderabad.
4 The Superintending Engineer, Godavarivalley Circle-I Sriram Sagar

Project, Darur Camp.
Pochampadu, Nizamabad District.
5 Two CCs to GP for Irrigation and Commercial area Development, High

Court Buildings, Hyderabad (OUT)

6 2 CD copies

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